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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 DALE BEARDSLEY,

11 Plaintiff,

12 v.

13 CLARK COUNTY et al.,

14 Defendants.

CASE NO. C11-5619-RBL-JRC

REPORT AND  
RECOMMENDATION

NOTED FOR: November 18, 2011

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16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate  
17 Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,  
18 MJR 3, and MJR 4. The plaintiff and two defendants, the State of Washington and the  
19 Washington State Department of Corrections have filed a stipulated motion to dismiss the action  
20 and a proposed settlement agreement (ECF No. 11). Along with those pleadings is a proposed  
21 order that would dismiss the entire action but give the Court jurisdiction to enforce the terms of  
22 the settlement agreement (ECF No. 11, proposed order).  
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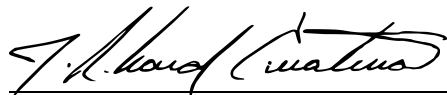
1 The parties do not specifically mention the other defendant, Clark County, in the  
2 documents. However, in the settlement agreement the parties agree to dismiss all defendants and  
3 the entire claim with prejudice (ECF No. 11, settlement agreement).

4 It appears this agreement addresses all claims and all defendants, but because Clark  
5 County is not specifically mentioned, the Court is preparing a Report and Recommendation  
6 rather than an order recommended for entry.

7 If this agreement does not address the entire action and all parties, any party may file an  
8 objection to the Report and Recommendation. The Court recommends the proposed order be  
9 signed by Judge Leighton on November 18, 2011. That gives the parties time to file an objection  
10 if the Court's understanding of the agreement is incorrect.

11 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
12 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.  
13 6. Failure to file objections will result in a waiver of de novo review by the District Court Judge.  
14 See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit imposed by Rule 72(b), the clerk is  
15 directed to set the matter for consideration on November 18, 2011, as noted in the caption.

16 Dated this 21<sup>st</sup> day of October, 2011.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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